

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

### **1. Interview**

Applicants thank Examiner Subramanian for discussing the present application with Applicant's representatives, David G. Luetngen and Jean M. Tibbetts, on January 26, 2005. In the interview, Applicants representatives discussed a number of distinctions of the pending independent claims over the cited reference Walker et al. (U.S. Patent No. 6,088,686). As indicated in the Examiner's interview summary dated February 2, 2005, the Examiner "... agreed to do another search after receiving a formal response to the last office action from the Applicants."

### **2. Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4-8, 10, 28, 31-33, 35, 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. ("Walker," US Patent No. 6,088,686) and claims 2, 11-14, 16, 23, 25, 26, 29, 36-39, 41 and 55-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Dykstra ("Dykstra," US Patent No. 6,029,149). Applicants respectfully traverse the rejection.

Each of the independent claims 1, 11, 23, 26, 28 and 36 include features, among other limitations, related to identifying a plurality of approved mortgage products and providing approval status and customized interest rate information for each of the plurality of approved mortgage products for borrower comparison and selection of one of the plurality of approved mortgage products. Accordingly, a borrower is provided with information such as loan product characteristics (e.g., term, adjustable rate, fixed rate, etc.), customized interest rate, approval status, monthly payment, etc. for multiple mortgage loan products for which the borrower is approved. See, Figures 2q and 2r, Specification, page 15, lines 18-21, page 16, lines, 1-3 and

page 43, line 15 to page 44, line 2. As discussed previously in the Response filed August 8, 2003, in claim 1, the borrower (or a loan officer acting on the borrower's behalf) is essentially asking "Here is my loan application. What mortgage products can I get approved for?" The borrower may then compare the approved mortgage products (e.g., a 30 year fixed rate, a 20 year fixed rate, a 10 year adjustable rate, a 7 year balloon or other mortgage loan product) and associated interest rates and select an approved mortgage product that best fits the borrower's needs. See, Figures 2q and 2r, Specification, page 16, lines 1-3.

In the Office Action, the Examiner does not address the limitations of the independent claims specifically, but rather cites generally to Walker, Abstract, col. 2, lines 1-53, col. 3, lines 37-47, col. 6, lines 16-64 and col. 9, lines 32-65 as showing many of the features of the independent claims. In response to Applicant's arguments in a response filed July 16, 2004, the Examiner asserts that Walker teaches "identifying a plurality of approved mortgage products and providing approval status and customized interest rate information for each of the plurality of approved mortgage products for borrower comparison and selection," and cites to Walker col. 2, lines 2-13 and 40-43.

Applicant's respectfully submit, however, that Walker, does not teach or suggest, among other features, identifying a plurality of approved mortgage products and providing approval status and customized interest rate information for each of a plurality of approved mortgage products for borrower comparison and selection. Rather, Walker teaches a system which evaluates the credit worthiness of an applicant for a credit product and determines an approval status and price for the credit product requested by the applicant. See, Walker, Abstract, col. 2, lines 16-23, col. 6, lines 39-47 and col. 9, lines 37-39. Although Walker discusses identifying other credit products for which the applicant may be eligible (a "credit qualified offer") based on the credit worthiness of the applicant, the other credit products are identified only as potential cross-sell candidates (i.e., other/additional products the applicant may wish to obtain in addition to the originally requested liability or credit product). See, Walker, col. 2, lines 10-13 and 26-34

and col. 11, lines 45-53. For example, an applicant for a mortgage may be offered a credit card based on their credit worthiness. Walker states:

For example, by identifying an applicant as potentially credit worthy for a variety of other products that the applicant has not requested, the LBR can offer a more attractive package of products to the applicant that will enhance the service and potentially the pricing being provided. This feature enables the LBR to target his or her efforts to those applicants to which the financial institution can offer a full range of services and benefits, above and beyond those requested by the applicant. See, Walker, col. 2, lines 29-38 (emphasis added).

This feature provides systematic processing of “credit qualified” that enables an LBR 12 to recognize (either by flag/light/offered amount) which applicants 10 surpass initial credit evaluation screens (e.g., disaster screen, credit score, etc.) encouraging them to optimize sales energy toward cross-selling additional credit products since initial systematic evaluation has indicated that the applicant 10 is credit qualified, although still subject to the required verifications. See, Walker, col. 11, lines 45-53 (emphasis added).

Systemic credit evaluation via an ACAPS link to the front-end processing system rapidly identifies “credit qualified” applicants, enabling the LBR 12 to immediately identify those applicants 10 that exceed initial credit criteria. The LBR 12 may then maximize cross-sell opportunities with those applicants. See, Walker, col. 11, lines 61-64 (emphasis added).

In Walker, there is little discussion of mortgages. In fact, the only reference to a mortgage appears to be in Figure 4B listing a first mortgage and a second mortgage as valid product types. However, in the context of Figure 4B and in view of Walker’s teachings regarding cross-selling additional credit products, it appears that the “second mortgage” is a mortgage that would be taken in addition to a first mortgage (e.g., a home equity line of credit). There is no teaching that the second mortgage is a mortgage that would be presented as an alternative to the first mortgage for borrower comparison and selection. Accordingly, Walker does not contemplate identifying multiple mortgage products and providing customized interest

rate and approval status information for multiple mortgage products for borrower comparison and selection.

In addition, Walker does not teach that the recommended credit products for the credit qualified offers are presented as approved credit products or approved mortgage products. In Walker, once an applicant selects to accept a credit qualified offer for an additional credit product, the credit qualified offer is converted into a request for credit that requires on-line credit processing for a final decision. See, Walker, Figure 51 (block 2256), col. 13, line 65 to col. 14, line 4. Accordingly, Walker does not contemplate identifying multiple approved mortgage products and providing an approval status and customized interest rate for each of a plurality of approved mortgage products for borrower comparison and selection.

Claims 11, 26 and 36 further include features related to receiving an on-line operator lock of the customized interest rate for the selected mortgage product. In the Office Action, the Examiner indicates that Walker does not teach or suggest this limitation and contends that “Dykstra teaches the step of receiving a lock of the customized interest rate for selected loan product.” See, Non-Final Office Action dated January 20, 2004 (paper no. 24), page 4, section 4. Dykstra, however, does not teach or suggest receiving an on-line operator lock of the customized interest rate for the selected mortgage product. Rather, Dykstra teaches a system that processes a loan application through loan approval (e.g., a loan decision status), then passes the loan decision status and borrower information on to a lender so the lender can perform additional steps required before making the loan to the borrower. Specifically, Dykstra states: “From there, the potential borrower can take his or her copy of the verification of the loan approval to the lender, sign the papers, and obtain the loan money . . . .” See, Dykstra, col. 7, lines 47-50. Accordingly, the operation of the system disclosed in Dykstra in Figures 1 and 2A-2F stops at loan approval. There is no teaching or suggestion of receiving an on-line operator lock of a customized interest rate for the selected mortgage loan.

Accordingly, independent claims 1 and 28 are believed to be allowable over Walker and independent claims 11, 23, 26 and 36 are believed to be allowable over Walker in view of

Dykstra. Claims 4-8, 10, 53 and 54 depend from claim 1 and incorporate all of the limitations of claim 1 and are therefore, allowable over Walker for, among other reasons, the same reasons as given above with respect to claim 1. Claims 31-33 and 35 depend from claim 28 and incorporate all of the limitations of claim 28 and are therefore, allowable over Walker for, among other reasons, the same reasons as given above with respect to claim 28.

Claim 2 depends from claim 1 and incorporates all of the limitations of claim 1 and is therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 1. Claims 12-14, 16, 55 and 56 depend from claim 11 and incorporate all of the limitations of claim 11 and are therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 11. Claim 25 depends from claim 23 and incorporates all of the limitations of claim 23 and is therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 23. Claims 57-58 depend from claim 26 and incorporate all of the limitations of claim 26 and are therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 26. Claim 29 depends from claim 28 and incorporates all of the limitations of claim 28 and is therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 28. Claims 37-39 and 41 depend from claim 36 and incorporate all of the limitations of claim 36 and are therefore, allowable over Walker in view of Dykstra for, among other reasons, the same reasons as given above with respect to claim 36.

Accordingly, claims 1, 2, 4-8, 10-14, 16, 23, 25, 26, 28, 29, 31-33, 35-39, 41 and 53-58 are believed to be allowable. Withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of claims 1, 2, 4-8, 10-14, 16, 23, 25, 26, 28, 29, 31-33, 35-39, 41 and 53-58 is respectfully requested.

**3. Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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